

COMPEL RAILROADS TO MAKE CONNECTIONS

Court Gives State Power
to Regulate Passenger
Schedules

ONE LINE MUST SERVE ANOTHER

In North Carolina Case Supreme
Court Decides in Effect That
Trains of One System Can
Be Forced to Connect
With Trains of
Another.

WASHINGTON, D. C., April 29.—The Supreme Court of the United States today decided in effect that the railroad commission of the State of North Carolina can compel a railroad company operating in that State to so adjust its schedule as to accommodate passengers on other lines from any particular part of the State. The opinion was delivered by Justice White, in the case of the Atlantic Coast Line Railroad Company vs. the Corporation Commission of North Carolina. The case arose out of an order issued by the commission directing the railroad company to make connection at Selma at 2:25 P. M. with a train on another line running from the eastern part of the State, with the object of accommodating passengers whose destination was Raleigh.

The railroad company resisted the order on the ground that it could not be complied with without putting on a special train, which would involve extra expense. This, it was contended, amounted to taking property without due process of law. The commission justified its course on the ground that compliance with the order was necessary in order to accommodate a large part of the public. The Supreme Court of North Carolina held against the railroad company, and its decision was affirmed by to-day's action of the Supreme Court of the United States, on the ground that the order of the commission does not affect rates, but is a proper act of State regulation.

Justice White discussed at length the contention of the railroad company that the case involved rates in any way, and said:

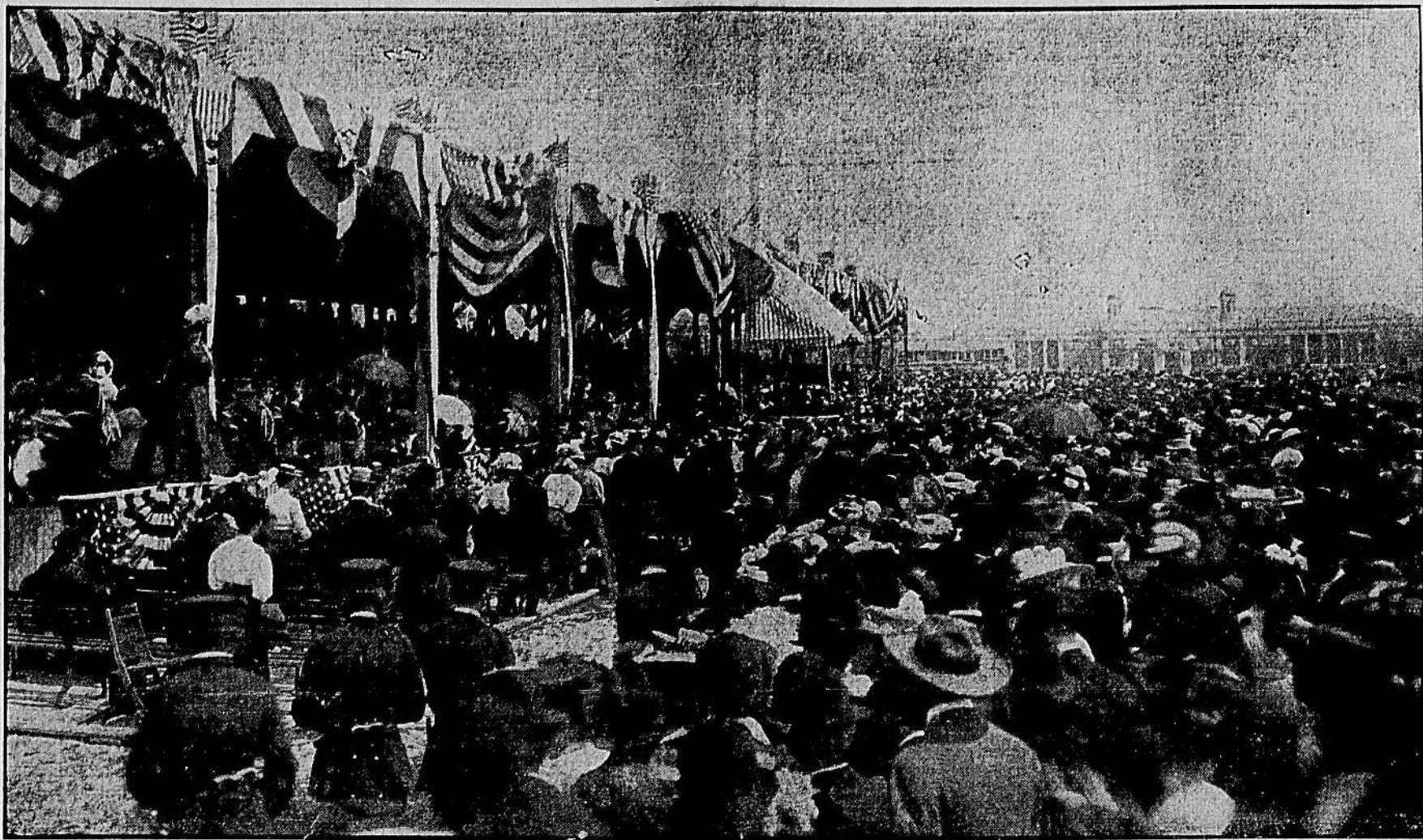
Does It Involve Rates.
"This case does not involve enforcement by a State of a general scheme of maximum rates, but only whether an exercise of State authority to compel a carrier to perform a particular and specified duty is so inherently unjust and unreasonable as to amount to the deprivation of property without due process of law or a denial of the equal protection of the laws. In a case involving the validity of an order enforcing a scheme of maximum rates, of course the finding that the enforcement of such scheme will not produce an adequate return for the operation of the railroad, in and of itself, demonstrates the unreasonableness of the order. Such, however, is not the case when the question is as to the validity of an order to do a particular act, the doing of which does not involve the question of the profitability of the operation of the railroad as an entirety. But even if the rule applicable to an entire rate scheme were to be here applied, as the findings made here as to the net earnings constrain us to conclude that adequate remuneration would result from the general operation of the rates in force, even allowing for any loss occasioned by the running of the extra train in question, it follows that the order is not unreasonable, even if tested by the doctrine announced in Smyth vs. Ames and kindred cases."

Public Has Rights.
"It does not directly involve any question whatever of the power to fix rates and the constitutional limitation controlling the exercise of that power, but is concerned solely with an order directing a carrier to do a particular act, which is a part of its general duty to furnish for the public convenience. The distinction between an order relating to such a subject and an order fixing rates coming within either of the hypotheses which we have stated is apparent. This is so because, as the primary duty of a carrier is to furnish adequate facilities to the public, that duty may well be compelled, although by doing so as an incident, some pecuniary loss from rendering such service may result. It follows, therefore, that the mere incurring of a loss from the performance of such a duty does not in and of itself necessarily give rise to the conclusion of unreasonableness, as would be the case where the whole scheme of rates was unreasonable under the doctrine of Smyth vs. Ames, or under the concessions made in the two propositions we have stated. Of course, the fact that the furnishing of a necessary facility ordered may occasion an incidental pecuniary loss is an important criterion to be taken into view in determining the reasonableness of the order; but it is not the only one. As the duty to furnish necessary facilities is contemporaneous with the powers of the corporation, the obligation to discharge that duty must be considered in connection with the nature and productiveness of the corporate business as a whole, the character of the services required, and the public need for its performance."

CALLED CRIME JUSTIFIABLE

MACON, GA., April 29.—At noon today L. D. Strong, manager of a large mercantile store in this city, walked into the printing office of Henry D. Smith and shot him five times. While the tragedy was being enacted the grand jury found an indictment against Smith for the murder of Miss Lillian Strong, sister of the slayer. The girl had been working for Smith for several months. Smith lived a few minutes—long enough to deny the girl's accusation. A coroner's jury rendered a verdict of justifiable homicide.

PRESIDENT ROOSEVELT ADDRESSING MANY THOUSANDS ASSEMBLED ON PARADE ON THE DAY THE JAMESTOWN EXPOSITION WAS OPENED



PRIMARY FIXED FOR JUNE 28TH

The Committee Arrives at
Decision in a Brief
Session.

LEAMAN WOULD ABANDON PRIMARY

Offers Resolution to Have "Free-
for-All" Race at General
Election—Evans Would
Submit Question
to the People.

By a practically unanimous vote, the City Democratic Committee last night decided to hold a legalized primary for the nomination of candidates for both branches of the Legislature and members of the City Democratic Committee on Friday, June 28th.

The matter was quickly disposed of, and caused but little debate. Several dates, ranging from June 11th to July 9th were offered, and finally that mentioned above was agreed to without division. The action was a great surprise to many, as an early date had been generally expected.

In the meantime, however, a strong effort had been made to get through a resolution not to hold a primary, at all, but to have a "free for all race" at the general election in November.

Abandon Primaries.
The matter came in the shape of the following resolution, which was presented by Mr. William P. Leaman, of Madison Ward:

"Whereas, the holding of a primary election for the purpose of nominating candidates for the Senate and House of Delegates entails great expense upon the candidates, and in addition, the multiplicity of elections leads to the holding of unnecessary primaries causes citizens to lose interest in public affairs; therefore, be it—
"Resolved, That it is the sense of this committee that no primary be held for the nomination of candidates for the Senate and House of Delegates."

The resolution was briefly debated, the patron and others advocating its adoption, and Chairman Doherty, Secretary Duke and others opposing it. There was no direct vote on the resolution itself, but the effect was the same.

Mr. Welsh offered a substitute, which was adopted provisionally for a future meeting. It provided for a primary on June 25th, and this disposed of the paper presented by Mr. Leaman.

Mr. W. A. Evans wished to have a resolution adopted allowing the people to vote in the election of June 28th upon the question of doing away with city primaries in the future, but Chairman Doherty ruled that the meeting was a special one, and no business save that stated in the call could, therefore, properly come up.

The Committee on Plans were instructed to proceed with the work of framing plans for the primary, and the body adjourned to meet on the call of the chairman. Another meeting will probably be held in about two weeks to consider the report of the Committee on Plans.

A large number of the legislative candidates, including Messrs. Folkes, Harman, Wingo, Curtis, Foyton, Puller, Glenn and others, were in the lobby of Murphy's while the meeting was being held in the Annex.



PRESIDENT AND MRS. ROOSEVELT ENTERING EXPOSITION GROUNDS.

KILLED WOMAN WHO SCORNEHIS LOVE

Enraged Suitor Then Sent Bullet
Crashing Through His
Brain.

FOLLOWED HER TO AMERICA

PHILADELPHIA, April 29.—Martha Korais, a comely Prussian girl, was shot and instantly killed here to-day under unusual circumstances by Franz Endrukut, an enraged lover, who, after murdering the girl, sent a bullet into his own brain, inflicting a wound from which he cannot recover. Endrukut, who was angry because the girl would not marry him, followed her to this country from the Province of Pomerania, in Rhenish Prussia, where, four years ago, he attempted to kill her by beating her over the head with a hatchet. After this attempt he cut his throat in an effort to end his life, and after lying for four months in a hospital, according to the information given to the coroner, he was sentenced to one year and eight months' imprisonment. How he got into this country with a penal record has not been ascertained.

After the assault in Europe, Miss Korais, who was the daughter of a physician, and a schoolteacher, came to Philadelphia. Endrukut, despite the refusal of the girl to marry him in his native country, followed her to America and to Philadelphia. He went to work at Cramps' shipyards, and boarded in the northern section of the city. Miss Korais secured a place as maid in the home of August Hamstein, in the southern section of the city.

Met Her by Chance.

Endrukut met the girl by chance in the street on Gaspar, and immediately endeavored to renew his attentions. He was repulsed. He followed her about and threatened to kill her unless she married him. Finally Miss Korais caused a warrant to be issued for his arrest, but at the last minute she declined to prosecute him.

Endrukut to-day met Miss Korais (Continued on Second Page.)

GIRLS DROWN, BUT ESCORTS REACH SHORE

Pleasure Boat, Heavily Laden,
Sweeps Over Lookout
Shoals.

[Special to The Times-Dispatch.]

CHARLOTTE, N. C., April 29.—News of the tragic death of two young ladies of Shiloh township, reached here this morning. Yesterday afternoon between 3 and 4 o'clock, a boat on the Catawba River containing Miss Sallie Fulbright and Miss Eliza Goble and a younger sister of Miss Fulbright, and Messrs. Dan Moore and Boyce Johnson, was swept over Lookout Shoals, a few miles above Catawba Station, and Miss Sallie Fulbright and Miss Goble were drowned. The men managed to save themselves, and Messrs. Ed Lippard and Oscar Sigman, who were on the bank, swam out and saved the younger Fulbright girl, who had managed to get hold of the boat. All the occupants of the boat were returning from Piney Grove Church, Catawba county, where they attended services. It is reported that the men had been drinking, and lost control of the boat. The bodies of the girls had not been recovered early this morning.

SHOT TO DEATH BY WHITE MEN

Negro Who Killed Traveling Man
Quickly Riddled With
Bullets.

COLUMBUS, GA., April 29.—D. B. Mitchell, a Columbus traveling man, was shot in the arm at Pittsview, Ala., to-day by a negro named "Ebb" Calhoun. Calhoun later was shot to death by a number of white men, seven or eight participating. The sheriff and a posse have gone to Pittsview. The trouble was started by Calhoun's son running against a white woman at Pittsview yesterday.

MISS LOVING CLEARS YOUNG ESTES' NAME

Writes Letter to Friend in Char-
lottesville, Saying He Offered
Her No Indignity.

ESTES PERSONA NON GRATA

CHARLOTTESVILLE, VA., April 29.—Little by little important facts in the Loving-Estes case are leaking out. The most recent disclosure comes through an important letter from Miss Elizabeth Loving to a girl friend in this city, written the latter part of last week. The letter, it is said, declares the writer's amazement at her father's action, and fully exonerates Theodore Estes, Miss Loving's son, from the charge of being the victim of the extreme of testifying that he had always treated her with courtesy and consideration.

Since the tragedy Judge Loving and his family have lived in seclusion, and no statement from them has reached the outside world until this letter, which discloses the extreme unhappiness of the entire family circle.

It is alleged that Miss Loving used the word "crazed," as descriptive of their mental and nervous condition.

It is said to be an open secret in the social life of Nelson county that Judge Loving had always been opposed to social attentions of young Estes to his daughter; that the mere fact of his daughter having gone for a drive with the young man was sufficient to excite him greatly.

A Nelson county man, familiar with all the social and political currents there, the outside world until this letter, which discloses the extreme unhappiness of the entire family circle.

CONVICT PACKERS FOR REBATE-TAKING

Court of Appeals Affirms
Decree of Lower Tribunal in Missouri

HEAVY FINES ARE TO BE IMPOSED

Armour, Swift, Morris and Cudahy
Must Pay \$15,000 Each for
Accepting Concessions on
Foreign Shipments.
Suit First of
Kind.

ST. PAUL, MINN., April 29.—Judge Sanborn to-day filed the opinion of the United States Circuit Court of Appeals, which he had written, affirming the judgments of the United States District Court for the Western District of Missouri against the packers for accepting concessions of twelve cents per hundred pounds from the portion of the established rate for the transportation of provisions on through bills of lading from Kansas City to Christiania and other points in foreign countries. Judges Hook and Adams concur in the opinion.

The lower court imposed a penalty of \$15,000 on each of the indicted firms, and these fines have been affirmed.

The defendants involved in the decision are Armour Packing Company, Swift and Company, Nelson Morris and Company, Cudahy Packing Company.

The cases are the first of the so-called rebate cases brought by the United States against the packers, to be determined by the appellate court, and will form the basis for future action until the Supreme Court reviews the decision. The substance of the conclusions reached by the court are:

Conclusions of Court.
The giving or receiving of a rebate
(Continued on Third Page.)

NO WORD FROM ORIENTE'S CREW

Sixteen Members Lost Some-
where Off North Carolina
Coast.

[Special to The Times-Dispatch.]
NORFOLK, VA., April 29.—The bark Oriente, which went ashore on the North Carolina coast in the dense fog Saturday night, is the Portuguese vessel of that name, so it was learned to-day, and not the Spanish, as was at first thought. A bottle was picked up on the beach not far from where the bark went ashore, and in it was a note written by one of the crew, which stated that they had abandoned the vessel and taken to the small boats.

There were sixteen members of the crew, and absolutely nothing has been heard from them by any of the life-saving stations along the coast in the vicinity of where the Oriente was beached.

DREADNAUGHT TO BE AT JAMESTOWN

English Fleet Will Take
Cruise Sunday, Return-
ing in a Few Days

VIRGINIA DAY TO SURPASS OTHERS

Home-Coming Week Will Be
Celebrated in Most General
and Appropriate Manner.
Mrs. Swanson "Hostess
of the Na-
tions."

(Special from a Staff Correspondent.)
JAMESTOWN EXPOSITION GROUNDS, April 29.—The four British war-ships, under command of Admiral Neville, will sail from Hampton Roads on Sunday afternoon, and after a cruise up and down the Atlantic seaboard will return to Jamestown to meet the great British cruiser Dreadnaught, the pride of the English Navy, and the largest warship afloat.

The Englishmen have received a warm welcome, having been entertained by the officials of Jamestown Exposition, and having dined with the President at Washington and having received numerous other courtesies.

Admiral Evans will entertain all the visiting officers on his flagship, the Connecticut, on Saturday, when Mrs. Swanson will receive. On Friday afternoon the English officers give a hop on board the Good Hope, Admiral Neville's flagship, to which all the American officers have been invited. Mrs. Swanson is arranging to give a party on board the Virginia State yacht, "Commodore Maury," in honor of the foreign officers who are anxious to visit Jamestown Island on James River. It is possible the trip will be made on Thursday.

The Rhode Island State Building will be dedicated to-morrow morning at 10 o'clock. All of the officers and directors of the Exposition Company, as well as the heads of the departments, have been invited to attend the ceremonies, the program for which is being made up to-day. An influential party from Rhode Island will be on hand to participate in the ceremonies.

The government officers and officials of the Jamestown Exposition Company, together with President Tucker, left the grounds this afternoon to pay their respects to the officers of the foreign war-ships anchored in the roads.

No Strike; Men Working.
According to a statement made this morning by Alvah H. Martin, governor of transportation at the Jamestown Exposition, there is no strike of the negro workmen who were engaged in moving the exhibits from the cars to the exhibit buildings, and everything is moving along smoothly. "We have made no reduction in the wages of these men," said Mr. Martin, "and do not contemplate doing so. There was some trouble Saturday in getting the men in the gate because they were required to pay \$1 for the passes, but this has been remedied, and we have our usual number of men at work."

It has been stated that the wages of the negro workmen moving the exhibits had been reduced by the Exposition Company from \$1.75 a day to \$1.50 and that the men had gone on a strike as a result. It was also stated that other workmen had been secured to take the places of the strikers, but that they refused to go to work because they were required to pay \$1 for the passes into the Exposition grounds. At the same time, however, it was stated that the matter was entirely in the hands of the transportation division and that nothing was known of a tie-up; then it was that Mr. Martin declared that there was a strike, explaining how the workmen are enabled to get into the grounds, Mr. Martin said that they are required to pay \$1 for a badge of admission and that the dollar is refunded when they turn in the badge.

MAKE VIRGINIA DAY A SUCCESS

This Is Aim of Governor, and
Rear-Admiral Evans Promises
Great Naval Features.

[Special from a Staff Correspondent.]
JAMESTOWN EXPOSITION GROUNDS, VA., April 29.—Virginia Day is to be the greatest State day at the exposition, not even excepting Georgia Day, which will see the return of President Roosevelt, to open the State Building, named in honor of his mother.

On Virginia Day there will gather the "home-comers" from all sections of the country, and the crowd will far outnumber the opening day.

General C. C. Vaughan, commanding the First Brigade of Virginia troops, will have camped here more than 2,000 officers and men, beside the 2,000 regulars who are already in camp. To these will be added the jacks, mages and soldiers and soldiers from foreign ships, which will be anchored in Hampton Roads.

Navy to Honor Virginia.
Admiral Evans, a Virginian, has promised Governor Swanson that the day shall be the occasion of a great naval exhibition. "I will see that Virginia is honored by the navy the 12th of June," said the admiral in conversation with the Governor yesterday.

Governor Swanson will come into the Roads on board the Virginia State yacht, Commodore Maury, flying the flag of the Chief Executive of the State. A Governor's salute of nineteen guns fired by the various American and foreign war-ships will welcome His Excellency, who will steam down the line in review and receive the foreign and American officers on board his yacht.

On landing, the Governor will be received by President Tucker and the officials of the exposition, together with the army and navy officers stationed here, after which he will deliver an address at Lee Parade and review the